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**CARMEL CITY CODE**  
**CHAPTER 10: ZONING & SUBDIVISIONS**  
**ARTICLE 1: ZONING CODE**  
**CARMEL ZONING ORDINANCE**  
**CHAPTER 23H: MONON GREENWAY OVERLAY ZONE**

23H.00 Monon Greenway Overlay Zone.

23H.00.01 Purpose, Intent and Authority. The purpose of this overlay zone is to protect and enhance the health, safety and welfare of the citizens and property owners of Carmel and Clay Township by protecting the physical integrity of the Monon Greenway, including its ballast foundation and drainage ways, and by complying with the Monon Greenway easement covenants as they pertain to the natural character and existing vegetation of the trail and its protection. For purposes of this Zone, the Monon Greenway shall be defined as any property conveyed to the City of Carmel, by title or easement, for purposes of establishment of the Monon Trail.

It is the City's intent to achieve the purpose of this zone by:

- Providing a consistent design treatment for private and public properties along Monon Greenway;
- Providing controls for architecture and landscape design that establish continuity of design between projects and to improve the physical relationship and human scale between new buildings and the Monon Greenway;
- Protecting the Monon Greenway character;
- Protecting the physical integrity of the Monon Greenway.

This district is superimposed over the other primary zoning districts and its regulations shall supersede those of the primary zoning districts over which it is superimposed. In establishing this zone, the Plan Commission and Council relies on I.C. 36-7-4-1400 *et seq.*

23H.00.99 Application Procedure.

- A. Development Plan. See *Section 24.99(A): Development Plan.*
- B. Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS). See *Section 24.99(B): Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS).*

23H.01 District Boundaries. The boundaries of the Monon Greenway Overlay Zone (the Zone) are hereby established as approved on the Zoning Map. Diagram 1 illustrates, generally, the boundaries of the Urban and Natural Sections.

23H.01.01 Urban Section Boundary. Properties which abut the Monon Greenway from First Street NW to the southern property line of properties fronting the south side of Carmel Drive.

23H.01.02 Natural Section Boundary. Properties which abut the Monon Greenway from 146<sup>th</sup> Street to First Street NW and Carmel Drive to 96<sup>th</sup> Street.

23H.01.03 Parcels in the C-1/City Center and C-2/Old Town Districts shall be exempt from the requirements of the Zone.

23H.02 Plan Commission Approval.

23H.02.01 The Plan Commission must approve, approve with conditions, or disapprove the Development Plan (DP) and Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) for any tract of land in the Urban Section of the Monon Greenway Overlay Zone. DP and ADLS review is required in the Natural Section, pursuant to the requirements of the underlying primary zoning district.

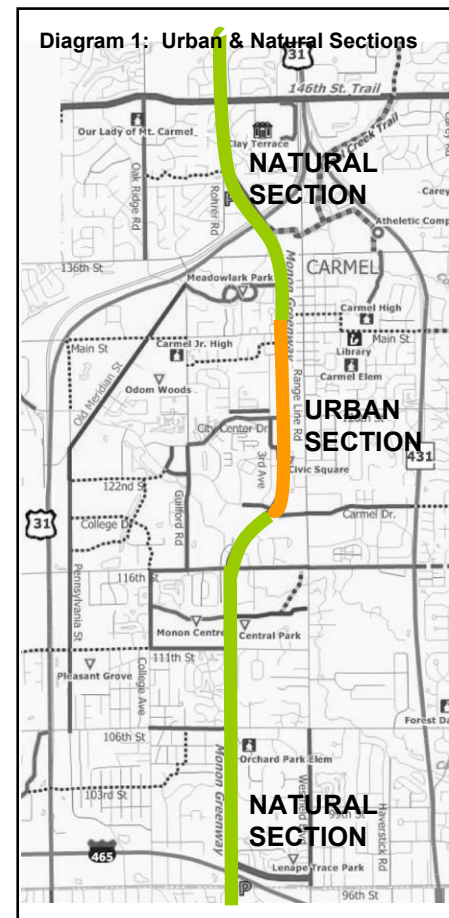
23H.02.02 Zoning Waiver. The Commission may, after a public hearing, grant a Zoning Waiver of the dimensional and quantitative standards of this Chapter, by not greater than thirty-five percent (35%). Any approval to permit such a waiver shall be subject to the following criteria:

- A. The proposal shall enhance the overall Development Plan and the adjoining streetscapes and neighborhoods.
- B. The proposal shall not produce a Site Plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan or the District, and shall not adversely affect emergency vehicle access.
- C. The proposal shall exhibit extraordinary site design characteristics, including, but not limited to: Increased landscape treatment, tree preservation, provisions for bicycle and pedestrian traffic.

In granting a waiver, the Commission may impose such conditions that will, in its judgment, secure the purposes of this Chapter. This Section does not affect the right of the applicant under Indiana law to petition the Board of Zoning Appeals for a variance from development standards provided under IC 36-7-4-918.5 and this Zoning Ordinance.

23H.03 Permitted Uses. See Appendix A – Schedule of Uses.

23H.03.01 All Uses which are permitted in the underlying primary zoning district(s), except those uses



expressly prohibited by Section 23H.04, are permitted in the Zone.

- 23H.03.02 Residential uses are permitted in the Zone, regardless of the underlying primary zoning district.

23H.04 Prohibited Uses. See Appendix A – Schedule of Uses.

23H.04.01 Prohibited Uses.

Mobile Home Court, Penal or Correctional Institution, Commercial Sewage or Garbage Disposal Plant, Water Management and Use Facility, Lumber/Building Materials Sales (enclosed), Automobile Service Station, Restaurant (with drive-thru sales), Automobile/Boat Sales, Automobile/ Truck Repair (indoor), Car Wash, Commercial Kennel, Dry Cleaning Establishment (with on-site plant), Funeral Home/Mortuary/Crematory, Self-service Laundry, Veterinary Hospital with commercial kennel, Wholesale Sales, Stadium or Coliseum, Feed Store, Grain Elevator, Shooting Gallery, Sexually Oriented Businesses, All Industrial Uses in Appendix A (Type of Uses).

23H.05 Building Setbacks.

23H.05.01 Urban Section.

A. Minimum Greenway Setback.

1. Minimum: Twelve feet (12'), measured from the actual right-of-way, or a thirty-three feet (33') half right-of-way, whichever is greater. See corresponding Building Heights, as prescribed by *Section 23H.08.01*.
2. Maximum: There is no maximum setback; however, the area adjacent to the Greenway may not be used solely for parking. In addition, this area must reflect an awareness of the Greenway and shall not adversely impact the character of the Greenway.

B. Side and Rear Setbacks. Fifteen (15) feet.

- C. Conflicting Requirements. Wherever there exists a conflict between the building setback requirements of the Old Town District Overlay Zone and the Monon Greenway Overlay Zone, the Monon Greenway Overlay Zone shall govern. However, parcels in the Overlay with frontage on a public street, must adhere to the Front Yard requirements established by other applicable Overlay Zones or their underlying zoning districts.

23H.05.02 Natural Section.

- A. Minimum Greenway Setback. Setbacks shall be measured from the edge of Monon Greenway, generally a presumed thirty-three feet (33') half right-of-way.

1. New Principal Buildings: Sixty (60) feet.
2. Additions to Existing Principal Buildings: Thirty (30) feet.
3. Accessory Buildings: Thirty (30) feet.

B. Side and Rear Setbacks. Requirements per underlying primary zoning district.

- C. Conflicting Requirements. Wherever there exists a conflict between the building setback requirements of the Old Town District Overlay Zone and the Monon Greenway Overlay Zone, the Monon Greenway Overlay Zone shall govern. However, parcels in the Overlay with frontage on a public street, must adhere to the Front

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Yard requirements established by other applicable Overlay Zones or their underlying zoning districts.

23H.06 Greenway Access Points.

23H.06.01 Greenway Access Points, for new residential or commercial construction, shall be designed and built in accordance with an approved Plan and to Parks Board Standards. Access Points from existing buildings must receive the approval of the Director of Carmel Clay Parks. Connection intervals shall be approved by the Director of Carmel Clay Parks. All access points shall be constructed of durable materials and shall be designed as to not impede drainage ways. Where determined appropriate, a non-access agreement may be required to be recorded.

23H.07 Building Orientation & Footprint.

23H.07.01 Urban Section.

- A. Orientation: Every parcel with frontage on the Monon Greenway must have at least one building elevation that fronts on the Greenway.
- B. Maximum Building Footprint: 15,000 square feet.
- C. Maximum Façade Length: 150 feet.

23H.07.02 Natural Section.

- A. Maximum Building Footprint: 15,000 square feet.
- B. Maximum Façade Length: No façade greater than 80 feet in length shall be parallel with the Greenway. Longer facades must be oriented at an angle greater than or equal to 60 degrees from the property line abutting the Greenway.

23H.08 Building Height.

23H.08.01 Urban Section.

- A. Minimum Height: None.
- B. Maximum Height: Sixty feet (60'), or as permitted in the primary underlying zoning district.
  - 1. When used, façade step backs shall be at least twenty feet (20') in depth and shall be constructed as usable outdoor space, such as a rooftop patio or garden.

23H.08.02 Natural Section.

- A. Minimum Height: None.
- B. Maximum Height: As permitted in the primary underlying zoning district or applicable Overlay Zone.

23H.09 Building Requirements.

- 23H.09.01 New principal buildings with a gross floor area containing more than 15,000 non-residential square feet shall contain a shower, changing and locker facility accessible for employee use.
- 23H.09.02 New principal buildings with a gross floor area containing more than 15,000 square feet shall provide covered, long term bicycle parking at a rate of one space per 5,000 square feet. Long term bicycle parking may include an indoor storage area and/or exterior bicycle lockers, as approved as part of an ADLS plan.

23H.10 Architectural Design. Buildings in the Urban Section with frontage on the Greenway must include the following characteristics:

23H.10.01 Large blank facades are not allowed. Buildings with continuous facades that are fifty feet (50') or greater in width, shall be designed with offsets (projecting or recessed) not less than eight feet (8') in depth and continuous for not less than twenty-five feet (25') along the length of the façade.

All elevations shall exhibit variety through inclusion of architectural elements such as windows and surrounds, storefronts, doors, special brick coursing, pilasters, lintels, canopies and covered walkways or recesses. Facades shall also exhibit variable roof heights, a diversity of building materials and varied building mass within a given structure.

Architectural elements shall be arranged in a balanced, relatively uniform fashion. Faux window openings and special masonry coursing may be used in service areas, especially areas where rooftop skylighting is designed.

23H.10.02 Ground and upper floors shall utilize transparent glass; the ground floor elevations of non-residential uses must incorporate the transparent glass as a significant component.

23H.10.03 The first floor and all other floors will have a coordinated composition, which will usually be indicated by the alignment of upper floor windows and other features with openings and features of the first floor.

23H.10.04 Retail storefronts shall have a primary entrance oriented along the Greenway on the first floor of the building, other entrances such as pedestrian entrances to parking areas shall be permitted on non-Greenway facades.

23H.10.05 Every façade of a building abutting the Greenway must have openings for windows.

23H.10.06 Large expanses of glass are allowed, but no façade may be constructed entirely of a metal and glass curtain wall.

23H.10.07 Fixed or retractable awnings are encouraged if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair façade composition; and are designed as an integral part of the façade. Awnings may not be internally illuminated.

23H.10.08 Pedestrian scale detailing is required at the ground level. As the buildings will be viewed very close up, it is important to exhibit articulated detail and ornament that is scaled to the pedestrian. Examples include, but are not limited to cornices, columns, pilasters, lighting, decorative moldings, sills and quoins, as well as canopies, awnings covered walkways and other similar sheltering features.

23H.10.09 Modulation of the roof and/or roof line will be required in order to eliminate box-shaped buildings. Parapets must be fully integrated into the architectural design of the building and provide seamless design transitions, including exterior materials between the main building mass, mechanical penthouses and other roof structures. Should they be used, partial parapets shall have a return that extends inward to at least the first structural bay, or twenty (20) feet, whichever is greater. Parapet heights shall vary by no less than 3 feet, including between neighboring structures on the same or adjacent parcel.

23H.10.10 Architectural styles, primary materials, building setbacks, separations, heights and mass shall vary among neighboring buildings along the Greenway.

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**23H.11 Landscaping and Tree Preservation.****23H.11.01 Urban Section.**

- A. Tree Preservation Requirements: It is the goal of the Monon Greenway Overlay to preserve existing vegetation within the Greenway Easement of Right-of-Way according to the Monon Greenway covenants. Alterations to the existing vegetation in the Monon Greenway may be sought through a DP/ADLS proposal. Such alterations require the approval of the Director of Carmel Clay Parks. Otherwise no changes to the Greenway vegetation may be made. Any proposed preservation or alteration outside of the Greenway shall be reviewed by the Urban Forester and Plan Commission and must be in accordance with *Section 23H.11.03*. When deemed appropriate, and upon the approval of the Urban Forester, mitigation may occur within the Monon Greenway.
- B. Planting Requirements:
1. When a Development Plan or other Commission approval includes or requires reconstruction of the Greenway, the landscape plan shall comply with the Monon Greenway Cross Section requirements and must meet the approval of the Director of Carmel Clay Parks and the City of Carmel Urban Forester.
  2. The Greenway Setback shall be landscaped with a combination of shade trees, low shrubs, planting beds and grass or ground cover, with exceptions for appropriate pedestrian access to building entrances.
  3. Alternatively, the Greenway Setback may be covered with decorative hard surfaces and/or pavers to allow seating areas or outdoor tables, such areas shall be surrounded by low shrubs or planting beds.
  4. Remaining facades shall have foundation plantings in beds no less than five (5) feet in width, with exceptions for appropriate pedestrian access to building entrances. Initially, plantings shall cover at least 50% of the base of the building (horizontally) and be at mature height and coverage within three (3) years.

**23H.11.02 Natural Section.**

- A. Planting Requirements: Plantings shall be provided at a rate equivalent to a Bufferyard D, as prescribed in *Chapter 26.04: Perimeter Buffering Requirements*.
- B. Tree Preservation Requirements: Existing vegetation within the Greenway Easement or Right-of-Way shall be preserved in accordance with the Monon Greenway covenants. Proposed preservation plans or alterations to the existing vegetation in the Greenway require the approval of the Director of Carmel Clay Parks. Otherwise no changes to the Greenway vegetation may be made. Any proposed preservation or alteration outside of the Greenway shall be reviewed by the Urban Forester and must be in accordance with *23H.11.03*.

**23H.11.03 General Landscaping Requirements.**

- A. Sites with existing trees or stands of trees shall protect and incorporate them into the overall site design. The landscape plan must preserve not less than 75% of all trees that are 6" DBH or larger and located within the required yard/setback areas.
- B. A five-foot (5') wide planting strip shall be provided along all sides of parking areas. The minimum planting shall include two (2) shade trees and thirty (30) shrubs per 100 linear feet. In areas where the planting strip is isolated from other lawn or green areas by sidewalks, drives or other impervious surfaces, then the Plan Commission may require

structural soil technologies be applied to sustain the life of plantings.

- C. Parking areas shall be located at the rear or side of buildings, and screened from the Greenway by low walls, low fences, or hedges, or a combination thereof. Plant materials shall be at least four feet (4') in height within three (3) years.
- D. Shade trees shall be planted within parking areas greater than 10,000 square feet. There shall be planted one (1) shade tree and five (5) shrubs per every nine (9) spaces.
- E. The design of fencing, sound walls, trash enclosures and similar site elements shall replicate the architecture of the Principal building(s) in construction material and detailing. No openings or access gates for trash enclosures shall face the Monon Greenway.
- F. All landscaping approved as part of an ADLS plan shall be installed prior to issuance of a Certificate of Occupancy by the Department. If it is not possible to install the approved landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the Final Certificate of Occupancy for the amount equal to the total installed cost of the remaining, uninstalled landscape material.
- G. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the ADLS Plans in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds.
- H. All landscaping is subject to approval by the Commission. No landscaping which has been approved by the Plan Commission may later be substantially altered, eliminated or sacrificed without first obtaining further Commission approval. However, minor material alterations in landscaping may be approved by the Director or his designee in order to conform to specific site conditions.
- I. Ground level mechanical/ telecommunication equipment shall be fully screened so that it is not visible from the Greenway and any adjoining residential zones or uses using walls, fencing, landscaping, or other method approved by the Commission.

#### 23H.12 Lighting.

- 23H.12.01 Exterior lighting of the building(s) or site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing.
- 23H.12.02 Exterior lighting shall be architecturally integrated with the building style, material and color. Rooftop lighting shall be prohibited.
- 23H.12.03 All exterior architectural, display, decorative and sign lighting shall be generated from concealed, low level fixtures.
- 23H.12.04 The maximum height of light standards in parking areas shall not exceed the building height, or twenty-five (25) feet, which ever is less. When light standards abut or fall within ninety (90) feet of single family residential properties, their height shall not exceed fifteen (15) feet.

23H.13 Signage. All signs shall be in accordance with *Chapter 25.07: Sign Ordinance* and other applicable District Overlay Requirements. In addition, the following standards shall apply to signs facing the Monon Greenway:

- 23H.13.02 Wall Signs are allowed in the Urban Section provided that they fit within the horizontal and vertical elements of the building and do not obscure details of the building. No sign shall be allowed to extend above the cornice line of a building. Wall Signs shall be no larger than ten (10) square feet and shall be in accordance with an approved ADLS.
- 23H.13.03 Projecting Signs no larger than six (6) square feet are allowed for new or existing buildings in the Urban Section which comply with setback, orientation and height requirements, as specified in *Sections 23H.05, 23H.07 and 23H.08* of this Chapter.

23H.14 Parking.

- 23H.14.01 Parking shall be provided per *Chapter 27: Additional Parking & Loading Regulations*, unless otherwise stated for parcels in the Old Town District Overlay Zone.
- 23H.14.02 Bicycle parking shall be provided in accordance with *Section 27.06: Bicycle Parking*; however, the required number of bicycle parking spaces in the Overlay Zone shall be double. The number of spaces may include the long-term bicycle parking required in *Section 23H.09.02*. Upon approval by the Alternative Transportation Coordinator, bicycle parking may be located in the Monon Greenway Easement (Urban Section only)..
- 23H.14.03 Parking areas shall be set back not less than 20 feet behind the Front Line of Building, and shall include landscaping as required in *Section 23H.11.03*. Open spaces created by this setback shall become pocket parks, landscaped gathering spaces or space for other greenway-related amenities.
- 23H.14.04 Parking structures are permitted adjacent to the Monon Greenway; provided that all levels of the façade facing the Greenway are a non-parking use, or a below-grade parking structure acts as a building foundation completely screened from the view of the Greenway. Uses may be residential or non-residential in nature, and shall comply with *Sections 23H.03 and 23H.04* of this Chapter.

23H.15 Other Requirements.

- 23H.15.01 Boundary Markers. Upon application for Commission approval a staked survey must be completed to determine the Monon Greenway property line. Prior to commencing and throughout the duration of construction, boundary markers shall be placed at the edge of the Monon Greenway Right-of Way. Monuments shall be at least twenty-four inches (24”) in height and placed at the property corners abutting the Greenway. In addition, a temporary construction fence shall be placed along the Greenway boundary prior to site work commencing and throughout the duration of construction.
- 23H.15.02 Monon Documents. Upon application for Commission approval applicant must provide a copy of the deed by which the title and any associated easements were conveyed.
- 23H.15.03 All other requirements not mentioned in this Section shall remain as stated for that primary zoning classification district mapped.



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**CHAPTER 23H: MONON GREENWAY OVERLAY ZONE  
AMENDMENT LOG**

<b>Ordinance No.</b>	<b>Docket No.</b>	<b>Council Approval</b>	<b>Effective Date</b>	<b>Sections Affected</b>
Z-515-07, as amended	07050023 OA	April 21, 2008	April 21, 2008	